

Notice of Allowability	Application No.	Applicant(s)	
	09/692,197	YAMANAKA ET AL.	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Reconsideration of 12/23/05 *12/16/05 RR*
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 20 October 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/3/01, 7/12/04</u> . | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>IDS 2/16/05, 11/29/05</u> . |

DETAILED ACTION

Response to Amendment

Response received on 12-23-05 is acknowledged and entered. The applicant amended claims 1 – 3, 6 – 14 and canceled claims 15 – 28.

Currently, claims 1 – 14 have been examined.

Allowable Subject Matter

Claims 1 – 14 are allowed.

Reasons for Allowance

The Applicant's invention in claims 1 – 14 are directed to a method for a digital content downloading method using a network in which digital content is downloaded, comprising the steps of: receiving through a network information designating a desired digital content selected by a consumer terminal and a desired digital content transmission condition related to quality of communication selected by the consumer terminal, at a digital content retailer computer system possessing the desired digital content; sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by a network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; providing from the digital content retailer computer system the desired digital content designated by the

information, to the consumer terminal through the network reserved by the digital content retailer computer system at the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying, by the digital content retailer computer system, the transmission charge to the network operator computer system.

In claim 1, the claim is directed to a novel and non-obvious method for a online retailer to provide digital content and transmission quality selections of the content for a consumer, reserving through a network operator the required transmission quality and providing the digital content as well as collecting from the consumer both the charge for the digital content and the transmission quality fee – in order for the retailer to pay the network operator. The benefits of the method are that the consumer steps for obtaining the selected digital content at a desired transmission quality are reduced because the retailer performs the required steps of reserving the required transmission quality at the required time as well as paying the network operator and thereby makes the network operator transparent to the consumer. Moreover, the consumer does not have to incorporate or download additional software to interoperate with the retailer in order to purchase and download the selected digital content from the retailer. Thereby, the invention claimed in the independent claim are distinguished from prior art of record by the fact that a method comprising **sending a request from the digital content retailer computer system to a resource reservation server of a network operator**

computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to the network operator computer system.

Discussion of the most relevant prior art, which does not disclose the invention as stated in claim 1:

A. US Patents and PG-Pubs.

(i) US Patent US 6,529,950 B1 to Lumskey discloses a method for a resource management framework (RMF) for resource discovery and negotiation between the setup and control of a media session between one or media servers and an end user. Lumskey discloses an RMF, which based on the search criteria of the user returns possible matches for selection by the user. Thereby teaches away from the inventive concept of the retailer managing all these steps without requiring participation by the consumer. Moreover, Lumskey does not disclose paying the network operator. Thereby, Lumskey does not teach a method comprising sending a request from the digital

content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to the network operator computer system. Therefore, this online system and method disclosed by Lumskey fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 5,745,694 to Egawa discloses a method for reserving for a user who desires to establish a network resource in the network. While Egawa does disclose reserving a network resource, the reference does not disclose or suggest that the digital content retailer making the network reservation for a consumer nor a digital content retailer providing the digital content. Rather, the user makes these reservations directly, which teaches away from the retailer making the reservation. Moreover, Egawa does not suggest that the user is selecting digital content through a retailer or much less paying for both. Thereby, Egawa does not teach a method comprising sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital

content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to the network operator computer system. Therefore, this online system and method disclosed by Egawa fails to anticipate the above bolded unique limitations or render them obvious.

(iii) US 5,918,213 to Bernard discloses a method for ordering digital content via the internet. In addition, Bernard discloses a method in which samples of the digital content can be provided to the consumer. However, Bernard does not disclose the consumer selecting a transmission quality for the digital content nor does the reference disclose or suggest a network operator. Moreover, Bernard does not disclose or suggest that the retailer who provides the content also reserves the network resource to service the quality selected by the consumer as well not disclosing the retailer paying for the network operator for the quality of the reservation. Bernard does not teach a method comprising sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission

charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to the network operator computer system. Thereby, this online method disclosed by Bernard fails to anticipate the above bolded unique limitations or render them obvious.

B. Non Patent Literature

(v) "Integrated services unified switching: Understanding Sprint ION" Marty Kaplan, Computer Technology Review, Los Angeles, May 1999 and hereafter referred to as "ION", the article discloses IT managements requirement to simplify network management to ensure adequate service levels for real time applications. ION does not disclose or suggest a content retailer nor the selection of digital content by a consumer and much less the retailer reserving the necessary resources selected by the consumer through a network operator nor paying the network operator. ION thereby does not disclose a method comprising sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to

the network operator computer system. Therefore, this online system and method disclosed by "ION" fails to anticipate the above bolded unique limitations or render them obvious.

(vi) "Value -Added Internet; a Pragmatic TINA-Based Path to the Internet and PTSN Integration; G. De Zen, Proceedings of the Global Convergence of Telecommunications and Distributed Object Computing: TINA 97 Conference, November 17 - 20, 1997, Santiago, Chile (hereafter referred to as "integration"). Integration discloses integrating the Internet with the PSTN in order to devise an architecture (TINA) encompassing the advantages of both networks. The results are the enhancement of the Internet with real time packet delivery and advanced billing capabilities. In providing these services, the end user in purchasing such items as video must enter the TINA world by logging in as well as downloading additional software in order to make the end users browser TINA compliant. Integration thereby does not disclose a method comprising sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to

the network operator computer system. Therefore, this online system and method disclosed by "Integration" fails to anticipate the above bolded unique limitations or render them obvious.

C. Foreign Patent Literature

(vii) (JP 11088396A) to Horiguchi discloses a method for an information communications confirmation. In that regard, the method discloses a delivery confirmation unit. The method and apparatus of Horiguchi does not disclose or suggest a method comprising sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal; collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying by the digital content retailer computer system, the transmission charge to the network operator computer system. This method disclosed by Horiguchi fails to anticipate the above bolded unique limitations or render them obvious.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 571.272.6761. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571.272.7159.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450


Alexandria, Va. 22313-1450

or faxed to:

571.273.8300 [Official communications; including
After Final communications labeled
"Box AF"]

571.273.8300 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

RER


Robert M. Pond
Primary Examiner